



Lamoine Board of Selectmen

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Minutes of April 17, 2008

Chairman Jo Cooper called the meeting to order at 7:05 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., Chris Tadema-Wielandt, Cynthia Donaldson, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Deputy CEO Michael Jordan, Asst. Town Clerk Kathleen DeFusco, Deputy Harbor Master Brian Corrigan and Richard McMullen.

Agenda Review – Stu suggested moving the Harbor Master addendum item up in the agenda since Mr. Corrigan was present. There was no objection.

Minutes of April 3, 2008 – Stu said Chris had passed in some changes a couple days ago and he made those and presented them with the board materials tonight. Chris moved to approve the minutes as edited. Brett 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 21 – Selectmen signed expenditure warrant 21 for \$186,925.78. Stu said he moved \$140,000 from the investment account to cover the checks.

Cash & Budget Report – Stu reported he had added a page to the report to reflect the effect of current operations on the various fund accounts. Cynthia requested that the separated area for the Veterans Memorial show that \$12,000 of that available is the loan approved at town meeting. Cynthia asked about the income from Cable TV. Stu said the revenues had been budgeted at \$5,000 for several years, but with more subscribers and higher fees, the franchise fee income has increased. Brett asked what the Capital Improvement Fund Balance is with the appropriation from the regular town meeting. Stu said he was unsure, but would run a report for the next meeting.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the reconciliation of the Checking Account.

2008/09 Budget – Stu reported that after inputting the town meeting approved expenditures and the school budget as proposed, it looks like the property tax rate for 2008/09 might increase to 9.5 mills. Cynthia asked about the ditching money approved at town meeting and whether it was somewhere in the budget. Jo said it was in the capital improvements section.

Harbor Sticker Program

Deputy Harbor Master Brian Corrigan reported he and Harbor Master David Herrick attended the annual Harbor Master School in Castine. He said there are a couple of problems at the harbor; the moorings are difficult to identify and other boats appear to be using moorings not assigned to them. He said he spoke with others at the school and found that the Town of Blue Hill uses a sticker program that works very well. He said they give out two stickers, one for the mooring ball and one for the boat. Mr. Corrigan said they are recommending that Lamoine give out 3-stickers, one of which could go on the skiff. He said the program makes sense and is an identification and safety enhancement. He said the harbor fund has the money and it's not that expensive. He said there could be a different color each year.

Brett asked if the policy would assign a specific boat to a specific mooring. Mr. Corrigan said it would. Brett asked how they would deal with people having different boats on one mooring. A short, pointed discussion followed between Brett and Jo. Brett said some people have a legitimate reason to have more than one vessel that might tie up to the mooring. Selectmen felt that should be left to the Harbor Master.

Jo said she thought the program would be a good one if the stickers will actually stay on. Mr. Corrigan cautioned that some people might not want to put the stickers on their boat. He said the Blue Hill Harbor Master said the program works great.

Jo moved to approve purchasing the stickers. Chris 2nd. There was a short discussion about mapping the mooring field and disappearing moorings. Mr. Corrigan said the sticker program might help with that. He said a lot depends on how much enforcement the Selectmen want. Jo said the Selectmen would listen to the recommendations of the Harbor Master. **Vote in favor was 4-0, Jones abstained.**

Sweeping Bids – Selectmen opened and read aloud the two bids received:

Richard McMullen \$2,450
George Crawford \$1,930

The list of equipment for each bidder was relayed. Selectmen examined the bid documents. Kathy DeFusco asked what the bid was for. Jo said removing sand from the town roads and intersections. Richard said there were two bids, one is lower, and the Board should go with the low guy. Chris asked who did the job last year. Stu said Mr. Crawford. Selectmen asked if there were any complaints.

Stu said there were none. Cynthia said as much as she'd like to help a young person get going in his business, the Board needed to take the lower bid. Chris moved to accept the bid from George Crawford. Richard 2nd. **Vote in favor was 5-0.**

Stu noted that Mr. McMullen had submitted his price list for the mowing and maintenance services provided to the town. There was no objection to continuing that relationship with Mr. McMullen.

Needles Eye Road Dumping – Stu said someone has been dumping trash off the road on Needles Eye Road. He recommended referring this to the Sheriff's Department. Chris asked if the landowner was aware. Stu said he was not sure. Brett suggested knocking on the suspected person's door and asking him to clean up the mess. Stu asked if the town really had the authority to do that. Richard asked if the town had the authority to make the complaint. He suggested contacting the landowner. Brett moved to contact the landowner and notifying them that trash was being dumped on their property. Richard 2nd. After a brief discussion, the board **voted in favor 5-0**. Stu said he would write a letter to the landowner.

Veterans Memorial Update – Jo said the committee will meet next week. She said they're contacting people to work on a dedication celebration, but she was unsure of the date. She said it would be after Memorial Day. She asked if Richard would be willing to help. Richard said he would if he did not have any conflicts.

Request to reconsider petition submission for Secret Ballot Ordinance – Stu noted this item was tabled until all five Selectmen were present, and that is the situation tonight. Jo said she didn't think the Board needed to revisit its decision. Cynthia said the question seems to be that there are two legal opinions that don't agree with one another. Brett said he would not base his opinion on that of an attorney for a person who disagrees with him. He said the Board had the Maine Municipal Association (MMA) opinion. He said both sides could be considered biased. A short discussion followed about the interpretations. Chris said the Board asked MMA for its advice, and they provided the town with their opinion.

Richard said he was concerned that the proposed ordinance did not provide backup protection in case a budget vote failed. He said that could potentially leave the town with no money to conduct town business. He said he had no problem with testing to see if the town wishes to vote on all affairs by referendum. He said the last town meeting saw 263 secret ballots cast for candidates, but only 91 people show up for the open town meeting. He said the

town is not getting good representation at the open town meeting. He said he wondered if the Board could meet with Robert Sharkey to see if he would consider that, in lieu of the draft ordinance, a simple vote be taken to see if the town would be interested in changing to referendum voting.

Jo said that was a step ahead of where she was. She said if there is a complaint that the process doesn't work, the process should be discussed. She said the Board has invited Mr. Sharkey to attend meetings but he has not. She said the meeting doesn't have to be with Mr. Sharkey – anyone could bring the subject to the Board. She said that's a separate issue from what's under discussion at the moment. She said the issue was to reconsider the petition submitted by Mr. Sharkey.

Brett said he had no interest in reconsidering the petition. Jo said she didn't either, but she does respect the request. Richard said he has a concern with the proposed ordinance, but he does favor the referendum form of voting and that he understands that is a separate issue. He said the Board should respect the fact that a substantial number of petitioners asked that this be put out to a vote. Jo said she did consider that, the Board invited Mr. Sharkey or any petitioner to discuss the idea with the Board, and instead got a letter from a lawyer. Cynthia said her reason not to consider the petition was that she was convinced by the MMA opinion that because the town does not have a charter, it could not commit to that method of voting. She said she wants to understand the issue on firmer ground. Richard said he had that same clear impression from the MMA opinion in regard to the lack of a charter. He said he hated to disregard that more people signed the petition than showed up for the last town meeting. A short discussion followed.

Richard said the Board could do what it wants, but he would be inclined to carry the issue on whether the town wants referendum voting. Brett said he didn't like the idea, but if the ordinance had been properly drafted he would not have denied it being sent to voters. A short discussion followed as to whether Richard should circulate a petition or propose to the board that the matter be put out to the town meeting for an advisory vote. Jo said she thought getting the opinion of the town is a great idea. She said she had a desire to find out what the town wants and suggested a series of town forums or discussions. She said it could be an interesting discussion on the process of how the town is run. She suggested asking many questions about the different methods for running a town.

Richard said he just wants to have the question answered as to whether the town wants referendum or open town meeting voting. He said open town meeting attendees would not be losing anything, and it's an opportunity for absentee

balloting. He said maybe the town doesn't want referendum-only voting. He said it's a simple question to put to the town. A short discussion followed on how to present the question. Stu suggested that an advisory referendum question could be placed on a ballot at the Presidential Election in November to see if the town would like the Board of Selectmen to draft an ordinance on Secret Ballot Referendum Voting to be presented for consideration at the next regular town meeting. A short discussion followed on what other towns have for a voting method and how it works.

Jo moved to not revisit the petition. Brett 2nd. Vote in favor was 4-1 (Fennelly opposed).

Jo said she would recommend this as an agenda item in the future. She said it would be a question of whether or not to do a straw vote. Chris said if the town wants to become a chartered community, there is a process that has to be done correctly, and that will mean spending money to do it. Brett questioned whether this ought to be on an agenda until there is a request from an external source. Chris said he didn't feel the Board would be promoting it, but the Board should know what the town wants. He said nobody seemed to be beating down the door promoting the issue. Brett said he doesn't favor starting the initiative.

Cynthia said she would like to have a workshop about the issue. She said she would like to explore what it means and be more informed about the issue. Chris asked if MMA might have someone who could educate the board. Stu said he could ask, but he doubts it. Brett said it looks like the board would be preparing for the "heavy lifting" before the job was put before them. Jo said if there is a concern, she would like to hear about it, but she does not want one individual manipulating things for the whole town. She said she favored having an open discussion and maybe a straw vote is a good idea. Brett said it made no sense to start the process before Richard presented something to the Board. Jo said to Richard that the ball was in his court. Richard said he's strongly believed for a long time in getting the most participation in town meeting. He said it didn't really matter to him how it all works out.

Stu asked how the Board wished to communicate its vote to Mr. Sharkey. It was agreed that Stu would draft up a letter for Jo to sign.

Gott Right of Way – Brett said he spoke with Steve Salsbury in regard to the hold up on completing the right-of-way negotiation. He reported that Mr. Salsbury indicated that the holdup with another landowner could turn into a protracted one. Brett moved to send a letter to Mr. Gott and/or Mr. Salsbury giving them 30-days to accept or reject the right-of-way offer and if there is no action to either suggest a lease or deny access. Chris 2nd. He said it's time to

make a move; the delay is not right. **Vote in favor was 5-0.** Stu said he would draft a letter.

Town Hall Renovation – Stu asked if the Board wished to have the designer of the draft idea come up with the bid document. Brett said he did not – he felt the board could do it. Cynthia said she wants it clear that the intention is not to spend all the money approved by the town meeting. Brett said he would favor drawing up separate bids for flooring, room reconstruction and the other aspects of the project into logical segments. He said office space should be addressed first, and then look at the floor. A lengthy discussion followed on the specifics of the projects. Mike Jordan said that if the project were bid in different phases it might raise the cost by 10-percent or more. A short discussion followed on scheduling the project.

Stu offered to draft up something for the next meeting. Jo said it should be done based on the plan from Frenchman Bay Design. There was a lengthy discussion about flooring, whether the Board favored carpeting or wood, but there was no resolution.

Bloomfield Park Road – Stu said the Parks Commission would like to meet with the Selectmen on that project. Jo asked to schedule that for the next meeting.

Anderson Garage – Brett offered to look at the garage and make suggestions for the work that needs to be done.

Paving – Stu reported that Tim Ring had called him and wanted to bid on the town's paving work instead of through Roger Picard's service. Selectmen noted that the town signed a contract with Mr. Picard and it provides expertise and oversight that would be absent if it were abandoned. There was no desire to change course.

May 21, 2008 Town Meeting – Stu said he's waiting on the school department for the articles and the school lot delineation language. A short discussion followed on the delineation question. Stu noted that the latest bill from the Legislature would let towns keep lot ownership. There was strong sentiment that things might be moving too fast.

Selectmen said they would like to see the draft of the warrant prior to the meeting. Stu said he would e-mail it as soon as he got the articles.

Personnel Contracts/Reviews – Jo said the process worked well last year. Selectmen said they would like the evaluation forms and to pre-schedule the performance reviews with no more than two per meeting.

Re-appointments – Selectmen asked Stu to contact those whose positions are due to expire in June to see if they are willing to be reappointed. Chris asked if there has been any interest from others in any particular position. Stu said not recently.

Spring Road Work – Stu said he'd like to have Dennis draw up a list of what needs doing this year.

Other – Chris noted that there were a large amount of outstanding checks on the last reconciliation and that some were pretty old.

Jo listed the next meetings printed on the agenda as follows:

- a. Regular Meetings – May 1, May 15, May 29, June 12, June 26, July 17, August 14
- b. Special Town Meeting (School Budget, mutual aid agreement) – May 21, 2008 to be followed by validation vote May 27, 2008.

There being no further business to transact, the meeting adjourned at 8:45 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.